

REMARKS

As a preliminary matter, Applicant again requests return of the October 28, 2002 Information Disclosure Form PTO 1449 with the Tanaka reference initialed to indicate its consideration.

By this Amendment, claim 15 is amended merely to conform its scope with the other pending claims in view of the previously filed Amendment. As a result, no new matter is presented by this Amendment.

The Office Action rejected claims 1-16 under 35 U.S.C. § 103(a) as being unpatentable over Purnadi (U.S. Patent No. 6,201,971) in view of Shaffer (EP 0 848 560 A2). Applicant traverses the rejection because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims. For example, the cited prior art fails to disclose, teach or suggest the claimed method including “offering connection establishment with lower values of the quality of service parameters to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter,” as recited in independent claims 1 and 15, and the claimed system including, wherein “connection establishment with lower values of the quality of service parameter is configured to be offered to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter,” as recited in independent claims 8 and 16.

Although the Office Action asserted that Purnadi discloses all the features of claim 1 except “a subscriber-specific maximum value of at least one QoS parameter,” Purnadi also fails to disclose, teach or suggest offering connection establishment with lower values of the QoS parameters to the terminal to be accepted.

Shaffer fails to remedy the deficiencies of Purnadi because Shaffer merely discloses a method for calculating an acceptable session tariff according to the available quality of service of the requested communication mode. In Shaffer, the highest possible quality of service level within a prescribed session tariff limit is allocated to the user. In Shaffer, quality of service parameters are defined each time, on every session, separately, the session tariff being the limiting factor.

In fact, Shaffer fails to provide the user with any possibility to choose whether he wants to establish a connection with lower QoS parameter values than requested or to refuse

to establish the connection. To the contrary, Shaffer merely teaches allocation of a terminal connection with lower QoS values than the user of the terminal requested, even though the user would not have wanted to establish such a connection.

Thus, both Purnadi and Shaffer teach that a terminal can be allocated a connection with lower QoS values than the user of the terminal requested, even though the user would not have wanted to establish such a connection. Therefore, even the combination of Purnadi and Shaffer fails to provide the user with any possibility to choose whether he wants to establish a connection with lower QoS parameter values than requested or to refuse to establish the connection.

Moreover, contrary to the assertions of the Office Action Shaffer fails to disclose, teach or suggest “a subscriber-specific maximum value of at least one QoS parameter”. In Shaffer, the user requests a certain communication mode, which may be allocated according to various quality of service levels. The user also has a prescribed session tariff limit, according to which the quality of service parameters are defined for each separate session. However, there are no predefined maximum values of QoS parameters.

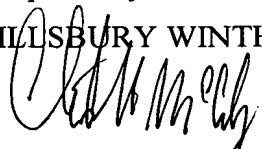
Therefore, the combined teachings of Purnadi and Shaffer do not teach or suggest offering connection establishment with lower values of the quality of service parameters to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter. Similarly, the combined teachings of Purnadi and Shaffer do not teach or suggest a system including wherein connection establishment with lower values of the quality of service parameter is configured to be offered to the terminal to be accepted in response to the fact that at least one of the quality of service parameters requested by the terminal exceeds the maximum value defined for the quality of service parameter. Therefore, the pending claims are allowable over Purnadi and Shaffer.

All rejections and objections have been addressed. It is respectfully submitted that the present application is now in condition for allowance, and a notice to that effect is earnestly solicited. Should there be any questions or concerns regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,  
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